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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,582	09/18/2000	John J. Horton	BSOO-149	4716

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,582

Applicant(s)

HORTON, JOHN J.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 9/18/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 4 is objected to because of the following informalities:

Claim 4, it is not clear whether “a ping command” on line 3 is referred to which of “a ping command” in claims 2 or 3. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-12, 15-29 and 32-35 are rejected under 35 USC 103(a) as being unpatentable over **Arutyunov** (US Pat. No. 6,611,868 B1).

In claims 1, 5, 9, 10, 15, 20, 21, 22 and 27, 32 the claim does not specify from what direction the request is sent, therefore; Examiner discloses in Fig.15 of **Arutyunov** testing the Internet reachability between CPE 18 and Data network 28. A cable modem 16 (through a device) (see col.34, lines 25-34) periodically sends N queries to CPE 18 to determine its status and expects a response from the CPE 18 (periodically sending via a device a request to the CPE to which a response is expected). If the CPE 18 is not active and not transmitting data over telephone connection after a time-out period expires, a determination is made that there is no response received from the CPE 18 (determining whether the response has been received). The

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telephone dial-up connection from the CPE 18 to data network 28 is terminated (network access is unavailable) if no response has been received. See col.33, lines 5-40 & line 65 to col.34, line 5.

Arutyunov does not specifically disclose displaying a notification message; and a router.

However, **Arutyunov** discloses the the cable modem 16 can be substituted with a router (see col.34, lines 25-34); and the CPE 18 is a computer. The cable modem 16 Therefore, it would have been obvious to one ordinary skill in the art to use any kind of router in place of the cable modem and to keep the substituted router in **Arutyunov** from entering lock-up state by periodically and repeatedly sends N queries to CPE 18 to determine its status and expects a response from the CPE 18. The CPE 's screen is used to displayed a pop up window as well-known in the art for notifying that the Internet has been disconnected.

In claims 2, 12 and 29, **Arutyunov** discloses the query can occur as PING command (the request comprises a ping command). See col.35, lines 10-16.

In claims 6, 7, 16, 17, 19, 23, 24, 26, 33 and 34, **Arutyunov** discloses the present invention described in Fig.15 performs instructions referred to being computer-executed (method is implemented with computer software, firmware, or combination thereof). See col.8, lines 30-35.

In claim 8, the limitation of this claim has been addressed in claim 1.

In claims 18, 25 and 35, **Arutyunov** discloses the CPE is booted or rebooted (computer is booted). See col.35, lines 60-65

Claims 3, 4, 13, 14, 30 and 31 are rejected under 35 USC 103(a) as being unpatentable over **Arutyunov** (US Pat. No. 6,611,868 B1) in view of **Van Aken et al.** (US Pat. No. 6,470,395 B1) .

In claims 3, 4, 13, 14, 30 and 31, **Arutyunov** does not disclose IP address is used as destination for the ping command; and the request comprises a primary IP address and a second IP address used in conjunction with a ping command. **Van Aken et al.** discloses a first terminal T1 sending a Ping command to a second terminal T2 with the IP address of the second terminal T2 (IP address is used as destination for the ping command) for determining if the terminal T2 is reachability. See col.6, line 60 to col.7, line 5. The ping command also comprises the IP address of the first terminal. Therefore, it would have been obvious to one ordinary skill in the art to attach IP address of destination when sending a Ping command to the destination for testing reachability.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fuh et al. (US Pat. No. 6,609,154 B1) discloses Local Authentication of a Client at a Network Device.

Becker et al. (US Pat. No. 6,557,038 B1) discloses Method and Apparatus for Maintaining Session States.

Hegli et al. (US Pat. No. 6,606,659 B1) discloses System and Method for Controlling Access to Internet Sites.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax: (703) 872-9314

Hanh Nguyen


January 6, 2004